

Assembly Constitutional Amendment

No. 8

**Introduced by Assembly Member Garcia
(Principal coauthors: Assembly Members Bates, Daucher,
Shirley Horton, and Runner)**

February 5, 2003

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article V thereof, relating to the Governor’s pardon power.

LEGISLATIVE COUNSEL’S DIGEST

ACA 8, as introduced, Garcia. Governor’s pardon power.

Existing law provides that the Governor may grant pardons or commutations, but provides that the Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

This measure would provide, in addition, that the Governor may not grant a pardon or commutation during the period from one month before the gubernatorial election until the commencement of the next term for the office of Governor. The measure would provide that any pardon or commutation issued in violation of these provisions is void.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring, That the*
- 2 *Legislature of the State of California at its 2003–04 Regular*
- 3 *Session commencing on the second day of December 2002,*
- 4 *two-thirds of the membership of each house concurring, hereby*

1 proposes to the people of the State of California that the
2 Constitution of the State be amended by amending Section 8 of
3 Article V thereof, to read:

4 First—That Section 8 of Article V is amended to read:

5 SEC. 8. (a) Subject to application procedures provided by
6 statute, the Governor, on conditions the Governor deems proper,
7 may grant a reprieve, pardon, and commutation, after sentence,
8 except in case of impeachment. The Governor shall report to the
9 Legislature each reprieve, pardon, and commutation granted,
10 stating the pertinent facts and the reasons for granting it. The
11 Governor may not grant a pardon or commutation to a person twice
12 convicted of a felony except on recommendation of the Supreme
13 Court, ~~4~~ four judges concurring.

14 (b) No decision of the parole authority of this State with respect
15 to the granting, denial, revocation, or suspension of parole of a
16 person sentenced to an indeterminate term upon conviction of
17 murder shall become effective for a period of 30 days, during
18 which the Governor may review the decision subject to procedures
19 provided by statute. The Governor may only affirm, modify, or
20 reverse the decision of the parole authority on the basis of the same
21 factors which the parole authority is required to consider. The
22 Governor shall report to the Legislature each parole decision
23 affirmed, modified, or reversed, stating the pertinent facts and
24 reasons for the action.

25 (c) (1) *The Governor may not grant a pardon or commutation*
26 *during the period from one month before the gubernatorial*
27 *election until the commencement of the next term for the office of*
28 *Governor.*

29 (2) *Any pardon or commutation issued in violation of this*
30 *subdivision is void.*

31 (3) *This subdivision does not limit the power to grant a*
32 *reprieve.*

